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March 22, 2001
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OFFICE OF THE
EXECUTIVE SECRETARY

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for
Telephone Service Providers*
Docket No. 00-00873

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of the Industry Members' Consensus Follow-Up Comments to Those Provisions of the Proposed Rules that were Addressed During Workshop I and the Industry Members' Consensus Follow-Up Comments to Those Provisions of the Proposed Rules that were Addressed During Workshop II filed on March 6, 2001. It has only recently come to our attention that these Comments were inadvertently not served on the parties. Service has been effected on all parties today.

Attached to the March 6 filing was a letter dated March 2, 2001 from Timothy Phillips to me. That letter was not intended to be a part of that filing and is not being filed today or served on the parties. Please disregard the March 2, 2001 letter. BellSouth apologizes for the inconvenience.

Very truly yours,


Guy M. Hicks

GMH:ch
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

INDUSTRY MEMBERS' CONSENSUS FOLLOW-UP COMMENTS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WERE ADDRESSED DURING WORKSHOP I

The following entities ("Industry Members") would like to confirm our understanding of the issues discussed during Workshop I upon which the Staff and the Industry Members have differing positions¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has notified the Industry Members that it has decided not to participate in the Workshops.

The Industry Members appreciate the Staff's conducting Workshop I on January 16, 2001. As is evident from the substance of this letter, the workshop resulted in a better mutual understanding of the issues in dispute in this proceeding. In fact, the majority of the concerns raised in the pre-workshop written comments and during the workshop itself were resolved by compromise language to which neither the Staff nor the Industry Members object. Additionally, all parties to the workshop have a better understanding of the relatively few matters that remain in dispute.

In order to facilitate a continuing streamlined process of addressing those remaining disputes, the Industry Members would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions. In doing so, the Industry Members fully understand that the actions or opinions of the Staff do not bind the Authority, and this letter is not intended to suggest that they do. Instead, we simply want to confirm that we correctly understand the matters to which neither the Staff nor the Industry Members have an objection. Accordingly, if we have inaccurately stated that the Staff has no objection to a particular provision, please let us know as soon as possible.

1220-4-2-.01 Definitions

In the interpretation of these rules, the following definitions shall be used:

- (1) The Staff has no objections to the revisions suggested by the industry.
- (2) The industry has no objections this provision as it appears in the proposed rules.
- (3) The Staff has no objections to the revisions suggested by the industry.
- (4) The Staff has no objections to the revisions suggested by the industry.

- (5) The Staff agreed to consider the following industry proposal for the definition of Carrier of Last Resort Obligation:

"Carrier of last resort obligation" means the obligation, imposed by order of the Authority pursuant to 47 U.S.C. §214(e)(3), to provide services that are supported by Federal universal service support mechanisms under 47 U.S.C. §214(c) to an unserved community or any portion thereof that requests such service.

- (6) The Staff has no objections to the revisions suggested by the industry.
- (7) The Staff has no objections to the revisions suggested by the industry.
- (8) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

"Exchange" means a unit established by a local telecommunications service provider, and set forth in its approved tariffs, for the administration of telephone service in a specified area that usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

- (9) The Staff has no objections to the revisions suggested by the industry.
- (10) The Staff has no objections to the revisions suggested by the industry.
- (11) The Staff has no objections to the revisions suggested by the industry.
- (12) **The Staff does not agree with the industry's proposal to delete the definition of "Local Number Portability."**
- (13) **The Staff does not agree with the industry's proposal to delete the definition of "NANPA."**
- (14) The industry has no objections this provision as it appears in the proposed rules.
- (15) The industry has no objections this provision as it appears in the proposed rules.
- (16) The industry has no objections this provision as it appears in the proposed rules.
- (17) The Staff has no objections to the revisions suggested by the industry.
- (18) **The Staff does not agree with the industry's proposal to delete the definition of "Sequential Number Assignment."**

- (19) The Staff agreed to consider the following industry proposal for the definition of Service Area:

"Service Area" means the geographic area in which a local telecommunications service provider provides telecommunications services within the State of Tennessee.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (20) The industry has no objections this provision as it appears in the proposed rules.
- (21) The industry has no objections this provision as it appears in the proposed rules.
- (22) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

"Local Telecommunications Service Provider" means any provider of local exchange service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange carriers ("ILEC"), competitive local exchange carriers ("CLEC") and resellers. To the extent that a telecommunications service provider provides interexchange services, that telecommunications service provider is not a local telecommunications service provider **with respect to such services.**

- (23) The industry has no objections this provision as it appears in the proposed rules.
- (24) The Staff and the workshop participants agreed to set aside consideration of the definition of "Trouble Report" and address this definition during Workshop III.
- (25) **The Staff does not agree with the industry's proposal to delete the definition of "Uncontaminated 1,000 Number Blocks."**

1220-4-2-.02 Scope of Regulations

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

The purpose of this Chapter is to establish minimum quality of service standards and general regulations for all telecommunications service providers providing telecommunications service, as **more specifically set forth** in this

Chapter. The regulations are designed to ensure that Tennesseans continue to have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter attempts to balance our state's policy of pro-competition in the telecommunications sector with the service quality expectations of our citizens as well as privacy concerns.

1220-4-2-.03

Records and Reports

- (1) **The Staff does not agree with the industry's suggested revisions.**
- (2) **The Staff does not agree with the industry's suggested revisions.**
- (3) **The Staff does not agree with the industry's suggestion to limit the applicability of this section to local telecommunications service providers.**

The Staff also asked the industry to develop proposed language that would provide for the TRA's timely receipt of information in the event of a major service disruption. The industry submits the following proposal and asks the Staff's position on the proposal:

- (a) Telecommunications Service Providers are required to notify the Authority regarding disruptions of service when greater than 1000 customers lose service for greater than four (4) hours. In the event of such a disruption, the Telecommunications Service Provider shall
- (8) Contact the Authority within six (6) hours after the fourth hour of the service disruption (or earlier, if possible) or if during non-work hours, at the beginning of the succeeding workday and provide the location of the disruption, number of customers affected, and estimated restoral time.

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

2. Provide a written or electronic report within thirty (30) days of the incident to the Authority detailing the disruption along with actions the Telecommunications Service Provider has or shall take to prevent a similar disruption from occurring again.

(4) Tariffs.

- (a) The industry has no objections to this provision as it appears in the proposed rules.
- (b) The Staff agreed to consider the following industry proposal, and the industry would appreciate the Staff's informing it of the Staff's position of this proposal

A telecommunications service provider shall make a copy of its tariffs available for public inspection. Public inspection may include, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(6) Wireline Reports

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Until the Authority deems it unnecessary to continue doing so, each Local Telecommunications Service Provider shall provide to the Authority a summary of its wireline activity within the State quarterly in a format established by the Authority. This information shall allow the Authority to monitor the evolution of local competition within Tennessee. Because these reports contain confidential and competitively sensitive information, they shall be treated as Proprietary by the TRA and shall not be subject to public disclosure.

The Staff also requested that the Industry attempt to incorporate the concept of a protective order being entered to protect this information. The Industry proposed the following language:

No report is required to be filed under this subsection until an appropriate protective order is entered by the TRA and in place.

(7) **The Staff does not agree with the industry's suggested revisions.**

(8) Service Reports

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Each Telecommunications Service Provider shall furnish to the Authority, upon reasonable notice and in the form the Authority may reasonably request, the results of any tests, summaries or records or any other information as the Authority may reasonably require.

(8) Adequacy of Service Reports

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(9) Interruption of Service Reports

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(10) Miscellaneous Reports

The Staff has no objections to the revisions suggested by the industry.

1220-4-2-.12 Customer Complaints

(1) The industry has no objections this provision as it appears in the proposed rules.

(2) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Telecommunications service providers shall, within ten (10) working days after receipt of a complaint forwarded by the Authority, file a written or electronic reply with the Authority. This reply shall at a minimum state the Telecommunications Service Provider's position regarding the complaint and actions taken to resolve the dispute. The time for filing this reply may be extended for good cause shown.

1220-4-2-.13 Accuracy Requirements

The industry has no objections this provision as it appears in the proposed rules.

1220-4-2-.15 Prepaid Calling Cards

The Staff agreed to consider the following industry's proposal that this subsection of the rules be considered, if at all, in a separate proceeding. The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

1220-4-2-.19 Lifeline and Link-Up

(1) **The Staff does not agree with the industry's initial suggested revisions.**

The industry suggests, as an alternative, that the ETC should offer Lifeline and Link-Up in accordance with their approved tariffs.

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) The Staff has no objections to the revisions suggested by the industry.
- (c) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

An applicant determined eligible for Link-Up is also eligible to receive Lifeline and shall be notified as such by the local telecommunications service providers providing the services.

- (d) The Staff has no objections to the revisions suggested by the industry.

(2) **Semi-Annual Verification Procedures**

- (a) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

A Local Telecommunications Service Provider providing Lifeline and Link-Up shall periodically verify through the Tennessee Department of Human Services that its customers utilizing these telephone assistance programs continue to meet the qualification criteria embodied in this Rule Chapter. Such verification shall take place at least twice each year.

(3) **Notification Procedures for Discontinuing Lifeline**

Except for the requirement for 60 days notice, (the Industry's proposal remains 30 days), and based on discussions during Workshop I, neither the

Staff nor the industry object to the following language for 1220-4-2-.19 (4) in its entirety:

A Local Telecommunications Service Provider shall provide Lifeline customers 60 days written notice that they no longer meet the qualification criteria for the service. Such notice shall inform the applicant that he or she has the right to refer any dispute regarding the notification to the Authority for resolution.

(4) Lifeline Support Credits and Allowable Charges

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) The industry has no objections this provision as it appears in the proposed rules.
- (c) The industry has no objections this provision as it appears in the proposed rules.
- (d) The industry has no objections this provision as it appears in the proposed rules.
- (e) The Staff has no objections to the revisions suggested by the industry.
- (f) The Staff has no objections to the revisions suggested by the industry.
- (g) **The Staff does not agree with the industry's suggested revisions.**

(5) Link-Up Support Credits

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) **The Staff does not agree with the industry's suggested revisions.**
- (c) The Staff has no objections to the revisions suggested by the industry.

(6) Educational Outreach Efforts

- (a) **The Staff does not agree with the industry's suggested revisions.**
- (b) **The Staff does not agree with the industry's suggested revisions.**

(7) Lifeline and Link-Up Reporting Requirements

- (a) The industry proposed the following language: "Local telecommunications service providers providing Lifeline and Link-Up shall provide quarterly status reports to the Authority summarizing the number of customers receiving the benefits of the Telephone Assistance Programs." The Staff agreed to consider this proposal, and the industry would appreciate the Staff's informing it of the Staff's position on this proposal.
- (b) The Staff has no objections to the revisions suggested by the industry.

1220-4-2-.22 Enforcement Provisions

The industry has no objections this provision as it appears in the proposed rules.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

**INDUSTRY MEMBERS' CONSENSUS FOLLOW-UP COMMENTS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WERE ADDRESSED DURING WORKSHOP II**

The following entities ("Industry Members") would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has notified the Industry Members that it has decided not to participate in the Workshops.

The Industry Members appreciate the Staff's conducting Workshop II on January 30, 2001. As is evident from the substance of this letter, the workshop resulted in a better mutual understanding of the issues in dispute in this proceeding. In fact, many of the concerns raised in the pre-workshop written comments and during the workshop itself were resolved. Additionally, all parties to the workshop have a better understanding of the matters that remain in dispute.

In order to facilitate a continuing streamlined process for addressing the remaining disputes, the Industry Members would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions. In doing so, the Industry Members fully understand that the actions or opinions of the Staff do not bind the Authority, and this letter is not intended to suggest that they do. Instead, we simply want to confirm that we correctly understand the matters to which neither the Staff nor the Industry Members have an objection. Accordingly, if we have inaccurately stated that the Staff has no objection to a particular provision, please let us know as soon as possible.

1220-4-2-.04 Customer Refunds for Service Outages

The Staff does not agree with the industry's suggested revisions.

1220-4-2-.05 Customer Deposits

- (1) The Staff has no objections to the revisions suggested by the industry.
- (2) The industry has no objection to this provision as it appears in the proposed rules.
- (3) The industry has no objection to this provision as it appears in the proposed rules.

1220-4-2-.06 Disconnection of Local Service

- (1) Local service may be refused or discontinued for any of the reasons listed below:
 - (a) **The Staff does not agree with the industry's suggested revisions.**
 - (b) The industry has no objection to this provision as it appears in the proposed rules.

- (c) The Staff agreed to consider the following industry proposal for a reason for the denial or discontinuance of local service:

Customer violation of any state or municipal law, ordinance, approved tariff, or regulation pertaining to telephone services.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (d) The industry has no objection to this provision as it appears in the proposed rules.
- (e) The industry has no objection to this provision as it appears in the proposed rules. Nor did the industry object to the Consumer Advocate's suggestion to add the word "unlawful" before the phrase "or fraudulent ...".
- (f) The Staff has no objections to the revisions suggested by the industry.

- (2) The following shall not be grounds for the disconnection or denial of local telephone service.

- (a) **The Staff does not agree with the industry's suggested revisions.**

- (b) The industry has no objection to this provision as it appears in the proposed rules.

- (c) **The Staff does not agree with the industry's suggested revisions.**

- (d) The industry has no objection to this provision as it appears in the proposed rules.

- (3) Disconnection of local service shall adhere to the following procedures:

- (a) and (c) The Staff agreed to consider the following industry proposal for a prohibition of disconnection of local service at certain times:

Disconnection of local service shall only occur on a day the telecommunications service provider has personnel available to accept payment and reconnect service. In no case shall disconnection of local service occur on a Friday.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (b) **The Staff does not agree with the industry's suggested revisions.**

1220-4-2-.07 Disconnection of Service to a Reseller by an Underlying Carrier

- (1) The Staff agreed to consider the following industry proposal for restricting this section to local resellers:

The following steps shall be taken when an underlying carrier denies service to a local reseller:

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (a) The Staff agreed to consider the following industry proposal for termination notification:

The underlying carrier shall provide no less than a thirty (30) days written notice to the reseller that service will be terminated on a date definite.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (b) The industry has no objection to this provision as it appears in the proposed rules.
- (c) The industry has no objection to this provision as it appears in the proposed rules. TDS did comment that they would like to see the voice provision stricken.
- (d) The industry has no objection to this provision as it appears in the proposed rules.
- (e) The staff requested that the companies file comments on soft dialtone. The specifics of the request include the submission of the following information: Where is soft dialtone provided now, what would be required to provide soft dialtone universally, and how long would it take to provide soft dialtone universally? The specifics of this request require that each company file on its own behalf.

1220-4-2-.08 Privacy of Customer Information

- (1) The Staff agreed to consider the following industry proposal for restricting this section to local resellers:

In recognition of customer privacy, telecommunications service providers are required to comply with the provisions of 47 U.S.C. §222 and with any applicable judicial or regulatory orders interpreting or implementing that statute.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (2) **The Staff does not agree with the industry's suggested revisions.**

1220-4-2-.14 Payment for Services

- (1) The Staff agreed to consider the industry proposal for eliminating this section which required a deferred payment plan.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (2) The Staff agreed to consider the following industry proposal for payment options:

Each telecommunications service provider shall provide a variety of bill payment options to its residential customers including payment by check, money order or credit card.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (3) **The Staff does not agree with the industry's suggested revisions.**
- (4) The Staff has no objections to the revisions suggested by the industry.
- (5) The industry has no objection to this provision as it appears in the proposed rules.
- (6) **The Staff does not agree with the industry's suggested revisions.**

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

<input type="checkbox"/> Hand	James Lamoureux, Esquire
<input checked="" type="checkbox"/> Mail	AT&T
<input type="checkbox"/> Facsimile	1200 Peachtree St., NE
<input type="checkbox"/> Overnight	Atlanta, GA 30309
<input type="checkbox"/> Hand	James Wright, Esq.
<input checked="" type="checkbox"/> Mail	United Telephone - Southeast
<input type="checkbox"/> Facsimile	14111 Capitol Blvd.
<input type="checkbox"/> Overnight	Wake Forest, NC 27587
<input type="checkbox"/> Hand	Dana Shaffer, Esquire
<input checked="" type="checkbox"/> Mail	XO Communications, Inc.
<input type="checkbox"/> Facsimile	105 Malloy Street, #100
<input type="checkbox"/> Overnight	Nashville, TN 37201
<input type="checkbox"/> Hand	Susan Berlin, Esquire
<input checked="" type="checkbox"/> Mail	MCI Worldcom, Inc.
<input type="checkbox"/> Facsimile	Six Concourse Pkwy, #3200
<input type="checkbox"/> Overnight	Atlanta, GA 30328
<input type="checkbox"/> Hand	Henry Walker, Esquire
<input checked="" type="checkbox"/> Mail	Boult, Cummings, et al.
<input type="checkbox"/> Facsimile	P. O. Box 198062
<input type="checkbox"/> Overnight	Nashville, TN 37219-8062
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<input checked="" type="checkbox"/> Mail	Citizens Communications
<input type="checkbox"/> Facsimile	250 S. Franklin St.
<input type="checkbox"/> Overnight	Cookeville, TN 38501
<input type="checkbox"/> Hand	Bruce H. Mottern
<input checked="" type="checkbox"/> Mail	TDS Telecom
<input type="checkbox"/> Facsimile	P. O. Box 22995
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☐ Hand
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